

AMENDED IN ASSEMBLY MARCH 15, 2016
AMENDED IN ASSEMBLY FEBRUARY 24, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1587

Introduced by Assembly Member Mathis
(~~Coauthor: Assembly Member Harper~~)
(Coauthors: Assembly Members Travis Allen and Harper)

January 6, 2016

An act to add and repeal Section 185033.7 of the Public Utilities Code, Article 2.12 (commencing with Section 65899.5) to Chapter 4 of Division 1 of Title 7 of the Government Code, and to add Sections 1242.1 and 79776 to the Water Code, relating to groundwater, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1587, as amended, Mathis. ~~Groundwater: subsidence abatement.~~
Groundwater.

Under existing law, the right to water or to the use of water is limited to that amount of water that may be reasonably required for the beneficial use to be served. Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Existing law declares that the storing of water underground, and related diversions for that purpose, constitute a beneficial use of water if the stored water is thereafter applied to the beneficial purposes for which the appropriation for storage was made.

This bill, during a period for which the Governor has issued a proclamation of a state of emergency based on drought or flood

conditions, would prohibit the board from requiring a permit to recharge groundwater if the water may be diverted and used without injury to a lawful user of water, and the water may be diverted and used without unreasonable effect on other beneficial uses.

~~Existing law, the California High-Speed Rail Act, creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties. Existing law requires the High-Speed Rail Authority to biennially provide a project update report to specified legislative committees on the development and implementation of intercity high-speed train service, which includes a programwide summary, as well as details by project segment, with all information necessary to clearly describe the status of each project.~~

~~This bill, by January 1, 2020, would require the authority to report to the Legislature on the effects high-speed rail will have on the subsidence of farms, homes, and land on the path of the train.~~

Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified.

This bill, during a period for which the Governor has issued a proclamation of a state of emergency based on drought or flood conditions, would prohibit a city or county overlying a basin designated as a high- or medium-priority basin from restricting the otherwise permissible amount of groundwater that may be extracted from the basin if groundwater is the only substantial source of water for the community in which the groundwater is being, or will be, extracted, unless the state has provided that community with infrastructure to supply a safe, reliable, and permanent alternative source of water.

Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds in the amount of \$7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. The bond act provides that the sum of \$900,000,000 is to be

available, upon appropriation by the Legislature, for expenditures on, and competitive grants and loans for, projects to prevent or clean up the contamination of groundwater that serves or has served as a source of drinking water. The bond act authorizes the use of \$100,000,000 of those funds for competitive grants for projects that develop and implement groundwater planning requirements.

This bill, in implementing the competitive grants for those projects that develop and implement groundwater planning requirements, would require special consideration be given to those projects that would create groundwater recharge basins in areas of fallow farmland. This bill would appropriate \$50,000,000 from the proceeds of the bond act for the purpose of that competitive grant program.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Subsidence Abatement Act of 2016.
- 3 SEC. 2. The Legislature finds and declares as follows:
- 4 (a) California's vast, natural aquifers were formed by rain and
- 5 melted snow that percolated into the soil over thousands of years.
- 6 When water is extracted in huge volumes, and there is insufficient
- 7 rain to replace it, the earth gradually sinks.
- 8 (b) Subsidence has been a recurring problem in the San Joaquin
- 9 Valley, the more arid southern half of California's heavily farmed
- 10 Central Valley. In one example that became legendary among
- 11 groundwater experts, an area near Mendota sank 28 feet between
- 12 1925 and 1977. The issue largely abated with the advent of
- 13 California's massive manmade plumbing system that showered
- 14 the valley with an abundance of surface water from northern
- 15 California. In recent years, as the Sierra snowpack has dwindled
- 16 and fresh water supplies have diminished, subsidence has returned
- 17 with a vengeance.
- 18 (c) A National Aeronautics and Space Administration (NASA)
- 19 study based on satellite imaging showed significant rates of
- 20 subsidence in recent times. A spot near Corcoran in the Tulare
- 21 ~~basin~~ Basin sank 12 inches in one recent eight-month period.
- 22 Researchers found a stretch near the California Aqueduct, the key

1 highway of the State Water Project, that sank eight inches in four
2 months last year.

3 (d) Subsidence is not a problem limited to the San Joaquin
4 Valley. A spot near Arbuckle in Colusa County sank five inches
5 during the last half of 2014, according to the NASA report.

6 (e) The rate of subsidence underscores how quickly underground
7 aquifers are being drained. A report by the University of California,
8 Davis, said farmers are pumping an additional six million acre-feet
9 of groundwater this year as compared to 2011, the year before the
10 drought started, in order to compensate for shortages in deliveries
11 of surface water from the State Water Project and the federal
12 Central Valley Project.

13 (f) Groundwater acts as a savings account to provide supplies
14 during drought, but the NASA report shows the consequences of
15 excessive withdrawals as we head into the fifth year of historic
16 drought. The Legislature will work together with counties, local
17 water districts, and affected communities to identify ways to slow
18 the rate of subsidence and protect vital infrastructure, such as
19 canals, pumping stations, bridges, and wells.

20 (g) Experts say subsidence makes it harder to replenish an
21 aquifer once the rains come because subsidence effectively
22 compacts the soil, making it harder to store water underground.

23 ~~SEC. 3. Section 185033.7 is added to the Public Utilities Code,~~
24 ~~to read:~~

25 ~~185033.7. (a) By January 1, 2020, the High-Speed Rail~~
26 ~~Authority shall report to the Legislature on the effects high-speed~~
27 ~~rail will have on the subsidence of farms, homes, and land on the~~
28 ~~path of the train.~~

29 ~~(b) (1) A report to be submitted pursuant to subdivision (a)~~
30 ~~shall be submitted in compliance with Section 9795 of the~~
31 ~~Government Code.~~

32 ~~(2) Pursuant to Section 10231.5 of the Government Code, this~~
33 ~~section is repealed on January 1, 2024.~~

34 *SEC. 3. Article 2.12 (commencing with Section 65899.5) is*
35 *added to Chapter 4 of Division 1 of Title 7 of the Government*
36 *Code, to read:*

Article 2.12. Community Groundwater Extraction

65899.5. During a period for which the Governor has issued a proclamation of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2) based on drought or flood conditions, a city or county overlying a basin designated as a high- or medium-priority basin shall not restrict the otherwise permissible amount of groundwater that may be extracted from the basin, including, but not limited to, through a conditional use permit, if groundwater is the only substantial source of water for the community in which the groundwater is being, or will be, extracted, unless the state has provided that community with infrastructure to supply a safe, reliable, and permanent alternative source of water.

SEC. 4. Section 1242.1 is added to the Water Code, to read:

1242.1. Notwithstanding any other law, during a period for which the Governor has issued a proclamation of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on drought or flood conditions, the board shall not require a permit to recharge groundwater if the following conditions are met:

(a) The water may be diverted and used without injury to a lawful user of water.

(b) The water may be diverted and used without unreasonable effect on other beneficial uses.

SEC. 5. Section 79776 is added to the Water Code, to read:

79776. In implementing Section 79775, special consideration shall be given to those projects that would create groundwater recharge basins in areas of fallow farmland.

SEC. 6. Fifty million dollars (\$50,000,000) is hereby appropriated from the Water Quality, Supply, and Infrastructure Improvement Fund of 2014 for the purpose of Section 79775 of the Water Code.